

STATE OF NORTH CAROLINA

COUNTY OF WAKE

REBECCA HARPER, et al.,

Plaintiffs,

v.


REPRESENTATIVE DAVID R. LEWIS, in his
official capacity as Senior Chair of the House
Standing Committee on Redistricting, et al.,

Defendants.

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2019 OCT 28 P 1:52 19 CVS 12667

WAKE CO. U.S.C.
BY: 

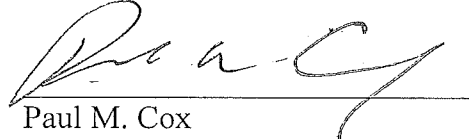
NOTICE OF EXTENSION OF TIME TO
RESPOND TO THE COMPLAINT
BY CONSENT

Pursuant to Rule 4 of the North Carolina General Rules of Practice for Superior and District Court, and Rule 6(b) of the North Carolina Rules of Civil Procedure, Defendants the North Carolina State Board of Elections, Damon Circosta, Stella Anderson, Kenneth Raymond, Jeff Carmon, and David C. Black ("State Defendants"), through counsel, hereby give notice to the Court of an extension of time, by consent, for the State Defendants to file an answer to the Plaintiffs' Complaint.

As shown in the attached email correspondence between counsel for the State Defendants and the Plaintiffs, the parties have agreed that the State Defendants shall have until November 7, 2019, to file an answer to the Complaint; provided that, the State Defendants shall file their answer at least two business days prior to when the Plaintiffs' summary judgment brief is due, in the event that the Court sets a summary judgment briefing schedule in which two business days prior to Plaintiff's due date for their summary judgment brief occurs earlier than November 7, 2019.

This the 28th day of October, 2019.

JOSHUA H. STEIN
Attorney General

A handwritten signature in dark ink, appearing to read "P. Cox", is written over a horizontal line.

Paul M. Cox
Special Deputy Attorney General
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Cox, Paul

From: Cox, Paul
Sent: Monday, October 28, 2019 12:16 PM
To: Theodore, Elisabeth; Jones, Stanton; Jacobson, Daniel
Cc: Brennan, Stephanie
Subject: RE: Harper / Answer extension

Yes, we can consent to that. Thank you, Elisabeth.

From: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>
Sent: Monday, October 28, 2019 12:15 PM
To: Cox, Paul <pcox@ncdoj.gov>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Jacobson, Daniel <Daniel.Jacobson@arnoldporter.com>
Cc: Brennan, Stephanie <Sbrennan@ncdoj.gov>
Subject: RE: Harper / Answer extension

Hi Paul - We consent with one proviso. If the court sets a schedule for summary judgment briefing, we'd like you to file the answer at least two business days before our summary judgment brief is due, even if that date would be earlier than 10 days from now. Does that work, and if so, can you draft up a notice that reflects that caveat?

Thanks,
Elisabeth

From: Cox, Paul <pcox@ncdoj.gov>
Sent: Monday, October 28, 2019 10:40 AM
To: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Jacobson, Daniel <Daniel.Jacobson@arnoldporter.com>
Cc: Brennan, Stephanie <Sbrennan@ncdoj.gov>
Subject: Harper / Answer extension

External E-mail

Elisabeth, Stanton, and Dan,

We would like to seek an extension of time to file the State Board Defendants' answer in the Harper matter. Given the posture of the case, I don't know that having our answer on file today is critical for the progress of the litigation, so we were hoping that we could get your consent, a notice of which we would file pursuant to Rule 4 of the NC Rules of Practice. We were thinking of seeking 10 days, but we could discuss the exact time frame.

Please let us know your thoughts or feel free to call me.

Best,



Paul M. Cox
Special Deputy Attorney General
Phone: (919)716-6932
pcox@ncdoj.gov
114 W. Edenton St., Raleigh, NC 27603

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing NOTICE OF EXTENSION OF TIME TO RESPOND TO THE COMPLAINT BY CONSENT in the above-titled action upon all parties to this cause by email, as follows:

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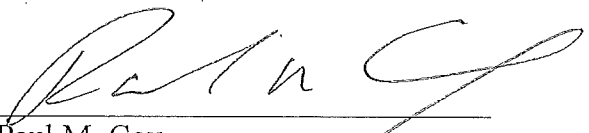
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Counsel for Intervenor Defendants

11

This the 28th day of October, 2019.



Paul M. Cox
Special Deputy Attorney General